

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide for just compensation in the event that eminent domain is exercised, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide for just compensation in the event that eminent domain is exercised, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Just Compensation  
5 Act of 2023”.

6 **SEC. 2. PURPOSE.**

7 (a) **CONSTITUTIONAL REQUIREMENT.**—The Fifth  
8 Amendment to the Constitution of the United States guar-  
9 antees that “nor shall private property be taken for public  
10 use, without just compensation”.

1 (b) ACT REQUIREMENT.—The purpose of this Act is  
2 to require that the Federal Government—

3 (1) demonstrate “public use” by exercising emi-  
4 nent domain itself and not delegate the power of the  
5 Federal Government to any private entity; and

6 (2) provide just compensation in the form of  
7 150 percent of fair market value for any property  
8 over which the Federal Government exercises emi-  
9 nent domain.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) FEDERAL GOVERNMENT.—The term “Fed-  
13 eral Government” means—

14 (A) the President; and

15 (B) each Executive agency, as defined in  
16 section 105 of title 5, United States Code.

17 (2) PRIVATE ENTITY.—The term “private enti-  
18 ty” means any non-governmental entity.

19 (3) RELEVANT CONGRESSIONAL COMMIT-  
20 TEES.—The term “relevant congress committees”  
21 means—

22 (A) the Committee on the Judiciary of the  
23 Senate; and

24 (B) the Committee on the Judiciary of the  
25 House of Representatives.

1 **SEC. 4. PUBLIC USE.**

2 Notwithstanding any other law, the Federal Govern-  
3 ment may not delegate the power to exercise eminent do-  
4 main to any private entity.

5 **SEC. 5. JUST COMPENSATION.**

6 The Federal Government, in exercising eminent do-  
7 main, shall provide just compensation of not less than 150  
8 percent of fair market value.

9 **SEC. 6. REPORTS.**

10 (a) INITIAL REPORT.—Not later than 1 year after  
11 the date of enactment of this Act, the Attorney General  
12 shall submit a report to the relevant congressional com-  
13 mittees describing the implementation of this Act.

14 (b) SUBSEQUENT REPORTS.—Not later than 2 years  
15 after the date of enactment of this Act, and annually  
16 thereafter, the Attorney General shall submit a report to  
17 the relevant congressional committees describing the im-  
18 plementation of this Act, which shall include—

19 (1) a description of the precise actions, loca-  
20 tions, public uses, and compensations provided for  
21 every exercise of eminent domain by the Federal  
22 Government; and

23 (2) a summary of the use of eminent domain by  
24 States.

**1 SEC. 7. NO ADDITIONAL FUNDS.**

2 No additional funds are authorized to be appropriate

3 to carry out this Act.